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April 5, 2005

VIA FAX - (601) 352-7757  
and REGULAR MAIL  
Ms. Betty Mallett  
McGlinchey Stafford PLLC  
City Centre, Suite 1100  
200 South Lamar Street  
Jackson, MS 39201

Re: *Olivia Y. et al. v. Barbour et al.*

Dear Ms. Mallett:

Thank you for your letter of March 30, 2005, regarding Plaintiffs' First Request for Production of Documents.

Among the items discussed therein, several issues remain:

1. Request No. 4: Plaintiffs still await documents "reflecting or concerning the data elements currently capable of being input into MACWIS." At the very least DHS should produce representative MACWIS screen printouts that reflect all data fields.
2. Request No. 13: Plaintiffs still await other Mississippi State Advisory Board Annual Assessments of DFCS. Upon further review, we have received both the May 2004 and the June 2003 reports, but need the annual reports issued in 2000 through 2002 and 2005.
3. Requests Nos. 33-34: Plaintiffs have requested Program Improvement Plans (PIPs) submitted to the U.S. Department of Health and Human Services (USDHHS) and related correspondence, regardless of whether the PIPs in question were approved by USDHHS (see Defendant Billy Mangold's deposition testimony that the first PIP was submitted to DHHS on August 16, 2004, 52:9-15; 52:19-53:21). Please reconsider your refusal to produce any PIP that is not approved by USDHHS in light of 45 C.F.R. § 1355.35, which requires that "all" PIPs developed as a result of the federal child and family services review be made available for public review. Note that this was specifically addressed by USDHHS in a June 2, 2004 letter to Defendant Donald Taylor. See DHS 025779-81, at 80.

I look forward to your prompt response regarding these matters.

Sincerely yours,

  
Eric Thompson  
Plaintiffs' counsel



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